

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 13-52 (DSD/TNL)

Smiths Group, plc,

Plaintiff,

v.

ORDER

Ronald A. Frisbie,

Defendant.

Currently before the court is a motion for preliminary injunction (PI) by plaintiff Smiths Group plc (Smiths Group). Having reviewed the materials in the record, and in light of the parties' discovery dispute, the court determines that an evidentiary hearing is necessary to resolve the motion. See United Healthcare Ins. Co. v. AdvancePCS, 316 F.3d 737, 744 (8th Cir. 2002) ("An evidentiary hearing is required prior to issuing a preliminary injunction only when a material factual controversy exists." (citation omitted)). Accordingly, **IT IS HEREBY ORDERED** that:

1. The February 15, 2013, preliminary injunction hearing will commence, as scheduled, at 9:30 am;
2. Each party will be allotted up to three hours to present evidence; and

3. Each party will be allotted up to thirty minutes for arguments.

Dated: February 6, 2013

s/David S. Doty
David S. Doty, Judge
United States District Court